

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 18, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, December 18, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Lynn Howard, Crossroads Community Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett congratulated Mr. Russell E. Joyner for having attained 20 years of service with the County and presented him with a 20-year service pin and certificate.

SENIOR CENTER OF YORK

Ms. Anne Smith, Director of Community Services, appeared to express appreciation for a \$5,000 contribution to the Senior Center from Mr. William Barrow in memory of his late wife, Mrs. Bea Barrow.

OPERATIONAL EFFICIENCIES

Mr. James McReynolds made a presentation on the operational efficiencies throughout the County that have helped provide more efficient and effective services during the last twelve months. His presentation included a written report to the Board detailing results of the operational efficiencies. He cited examples of the program including the refinancing of certificates of participation and bonds, condensing the Little League program into one program, and the pilot Vehicle Test Program. He advised that the operational efficiencies offered an approximate savings to the County of \$6.9 million.

CITIZENS COMMENT PERIOD

No one appeared to speak before the Board at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. James Barnett reported that his office had submitted a redistricting plan to the Justice Department, and he should be hearing from the Justice Department on the submission in approximately 50 to 60 days.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds announced that an informational meeting was scheduled for December 20 in the York High School cafeteria to provide information on the proposed development of the King property. He reminded the Board of its organizational meeting on January 2, 2002, at 7:00 p.m. He announced that Shari Crockett, a County employee in Computer Support Services, had been chosen to carry the Olympic Torch in Falls Church, Virginia, on December 21 and that she was also chosen to meet the President at the White House on December 22. He wished the Board and the staff a happy holiday season.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll explained that the Hampton Roads Metropolitan Planning Organization was in the process of developing the Transportation Improvement Program for 2021. She encouraged those interested in transportation improvements to visit the website for the Hampton Roads Planning District Commission. She thanked the Department of Fire and Life Safety for the pins presented to the Board and also noted her appreciation for the American flags that were recently installed on Route 17. She then wished everyone a happy holiday.

Mr. Wiggins expressed his appreciation for the opportunity to serve the citizens of the County as Vice-Chairman of the Board of Supervisors during the past year. He felt the year had been successful in many ways, although the Nation had suffered greatly by the September 11 attack. He stated that York County officials were working to solve many of the County's problems, including more support for the schools, adequate drainage, and sewer and water facilities for all citizens. He then wished everyone a happy holiday season.

Mr. Zaremba wished everyone a wonderful and safe holiday. He explained that he moved to the area in 1983 and selected York County because he felt it was the best locality the Peninsula had to offer. He addressed the recent real estate tax assessments and explained that the assessments represented a 4 to 12 percent increase. Mr. Zaremba explained the necessary procedures for citizens to take regarding what they feel are discrepancies relating to their assessments.

Mr. Shepperd also wished everyone a happy holiday season. He referred to the real estate assessments, land use policies, and the four categories of land use in the County – agriculture, horticulture, forestry, and open spaces. He explained that some time ago the Board removed forestry and open space as a means of reducing taxes. He was concerned for the citizens who could not afford to pay the increased taxes on their property thus necessitating a sale of their land which would allow more development and growth within the County. He

asked the citizens from District V to contact him with their feelings about adding back the forestry and open space exemption to qualify for a tax break.

Chairman Burgett stated that for many people, their home was the largest investment, and their investment was making money. He explained that the alternative to the increased assessments was to have property value decreases, which may not be acceptable. He noted that the State had monitored the County's assessments for accuracy, and he explained the options available to citizens who dispute their assessment. He also noted there were methods available to older citizens who may qualify for tax relief. Chairman Burgett stated he had participated in Youth Week at Tabb High School and the traditional Christmas tree lighting held at York Hall, and that he also attended the Senior Prom at Tabb High School sponsored by the Senior Center. He mentioned that the parking ordinance for commercial vehicles was still being considered by the Board.

CONSENT CALENDAR

Mr. Shepperd asked that Item No. 6 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 4 and 5, respectively.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

November 20, 2001, Regular Meeting
November 27, 2001, Adjourned Meeting
December 3, 2001, Adjourned Meeting
December 4, 2001, Regular Meeting

Item No. 5. REQUEST FOR TAX REFUND: Resolution R01-226.

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A RESOLUTION TO AUTHORIZE A TAX REFUND TO SPRINTCOM,
INC., AND CLARK B. ANDERSON

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Sprintcom, Inc., and Clark B. Anderson have made proper requests for tax refunds for taxes erroneously paid; and

WHEREAS, the Commissioner of the Revenue, the Treasurer, and the County Attorney have recommended that the tax refunds, with interest, be granted;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that the Commissioner of the Revenue is authorized to refund to Sprintcom, Inc., property taxes in the amount of \$7,390.99, together with accrued interest in the amount of \$369.55 for a total refund of \$7,760.54, and to refund to Clark B. Anderson, personal property taxes in the amount of \$3,041.30, together with accrued interest in the amount of \$152.07, for a total refund of \$3,193.37.

Item No. 6. SPEED LIMIT PROVISIONS – KINGS VILLA (VILLA WAY): Proposed Resolution R01-228. (Removed from the Consent Calendar)

Mr. Shepperd asked the County Administrator to explain the procedure for neighborhoods to obtain the additional \$200 speed limit sign. He stated that he had several citizens in his district ask about the program.

Mr. McReynolds explained that it was a VDOT regulated program, and each neighborhood would have to apply in order to have the fines established. He noted that a study and a survey of citizens had to be completed as a part of the requirement for instituting the fine.

Mr. Shepperd then moved the adoption of proposed Resolution R01-228 that reads:

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT
OF TRANSPORTATION INSTALL APPROPRIATE SIGNS, AS STIPU-
LATED IN SECTION 46.2-878.2 OF THE CODE OF VIRGINIA, TO
ESTABLISH INCREASED PENALTIES FOR SPEEDING ON VILLA
WAY IN THE KINGS VILLA SUBDIVISION

WHEREAS, Section 46.2-878.2 of the Code of Virginia authorizes the posting of certain residential streets for an increased fine of \$200, in addition to other penalties prescribed by law, for vehicles exceeding the maximum established speed limit; and

WHEREAS, the Virginia Department of Transportation (VDOT) is responsible for administering the regulations established to implement this law and will entertain requests for establishing the restrictions upon receipt of a formal request and resolution from the Board of Supervisors; and

WHEREAS, residents of Kings Villa have requested that said restrictions be imposed on Villa Way; and

WHEREAS, the York County Board of Supervisors perceives that a speeding problem exists based on enforcement records reported by the York County Sheriff's office and community support; and

WHEREAS, the Board of Supervisors has reviewed this request and believes that the designated roads meet the eligibility requirements prescribed by VDOT;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that the Virginia Department of Transportation be, and it is hereby, requested to approve and install signs pursuant to Section 46.2-878.2 of the Code of Virginia, to designate Villa Way (Route 1545) as a street on which a fine of \$200 in addition to other penalties prescribed by law may be imposed for violations of the posted speed limit.

BE IT FURTHER RESOLVED that the County Administrator is requested to forward a copy of this resolution and any necessary supporting documentation to the Virginia Department of Transportation for its review and approval.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett

Nay:

NEW BUSINESS

YORK HALL USE POLICY

Mr. Carter made a presentation on proposed Resolution R01-234 to amend Board Policy BP00-18 to establish additional opportunities for use of York Hall by groups and organizations. He pointed out a minor change in the policy on Item 4-D, recommending that the word "periodic" be struck to eliminate a conflict internal to the policy. He explained that staff recommended adoption of proposed Resolution R01-234(R).

Discussion ensued on groups allowed to use York Hall.

Mr. Shepperd pointed out a discrepancy in the hours of use mentioned in the administrative directive.

Chairman Burgett suggested the verbage "with the exception of Thursdays" should be added to 5-C entitled Hours of Availability.

Ms. Noll then moved the adoption of proposed Resolution R01-234(R) that reads:

A RESOLUTION TO AMEND BOARD POLICY BP00-18, YORK HALL
USE POLICY, TO ESTABLISH ADDITIONAL OPPORTUNITIES FOR
USE OF YORK HALL BY GROUPS AND ORGANIZATIONS

WHEREAS, Board Policy BP00-18 was adopted by the York County Board of Supervisors to establish certain guidelines covering the use of York Hall by County and non-County users; and

WHEREAS, the Board has determined that it would be appropriate to expand the oppor-

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tunities for use of York Hall by groups and organizations; and

WHEREAS, the County Administrator has made recommendations for such changes in his report to the Board dated December 7, 2001; and

WHEREAS, the Board has reviewed the proposed amendments and determined them to be appropriate for adoption;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that Board Policy Number BP00-18 be, and it is hereby, amended to read as set forth in the attachment to the County Administrator's report to the Board dated December 7, 2001, and as amended by the Board this date.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

PUBLIC HEARINGS

SECONDARY ROAD IMPROVEMENT PLAN, FY2002-2003 through FY2007-2008

Mr. Mark Carter, Planning and Zoning Manager, made a presentation on proposed Resolution R01-215 to approve a project priority listing for secondary road construction for the six-year period FY03 through FY08, and to approve a construction budget for FY03. He stated that staff recommended adoption of the proposed resolution, and the Planning Commission had reviewed the package and found all the projects to be consistent with the Comprehensive Plan as required by the State Code.

Mr. Zaremba noted that Mooretown Road was not listed in the budget, and he asked for an explanation.

Mr. John Mazur, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), explained that sometimes when projects are completed, as Mooretown Road was, right-of-way issues and outstanding issues that have to go through court take longer to get actual amounts that are owed on them. He stated that many times the payments for right-of-way purchases come after a project has been completed.

Further discussion followed concerning the Mooretown Road area.

Mr. Zaremba then asked about the extension of Fort Eustis Boulevard.

Mr. Mazur stated the project was slated to begin in June 2003.

Mrs. Noll stated she hoped the problems would be eliminated at Government Road and Penniman Road when the construction drawings were finally completed.

Mr. Shepperd addressed the \$390,000 that was earmarked for the Big Bethel Road and Cary's Chapel Road areas and the \$1.2 million for the Secondary Road Construction Plan. He asked about the duration of the project.

Mr. Mazur explained that approximately 9 months of construction would be necessary.

Discussion ensued regarding the proposed Secondary Road Improvement Plan.

Chairman Burgett called to order a public hearing on proposed Resolution R01-215 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING FOR
SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR PERIOD
FY2002-03 THROUGH FY2007-08 AND TO APPROVE A CON-
STRUCTION BUDGET FOR FY 2002-2003

There being no one present who wished to speak concerning the subject Resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed resolution R01-215 that reads:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING FOR
SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR PERIOD
FY2002-03 THROUGH FY2007-08 AND TO APPROVE A CONSTRU-
TION BUDGET FOR FY 2002-2003

WHEREAS, the York County Board of Supervisors has been requested to give consideration to a proposed program of secondary road improvements contained in the six-year plan; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has provided a recommended program which the Commission has carefully considered; and

WHEREAS, the York County Planning Commission has specifically reviewed the proposed projects with respect to their conformance with the York County Comprehensive Plan; and

WHEREAS, the Board and the Virginia Department of Transportation have jointly conducted a duly advertised public hearing on the proposal in accordance with applicable procedures;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that the Board does hereby adopt the following project priorities for the Six-Year Secondary Road Plan during the six-year period of FY2002-2003 through FY2007-2008:

Rural Addition - Kay Lane - improvements necessary for acceptance into Secondary System

1. **Lakeside Drive** - intersection improvements between School Lane and Dare Road
2. **Dare Road** - install a left turn lane along westbound lane at Constitution Drive
3. **Big Bethel Road** - intersection improvements at Route 134 and Route 171

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4. **Fort Eustis Boulevard Extension** – construct a new road on a new location between the current terminus at Patriot Square Shopping Center and Goodwin Neck Road at its intersection with Seaford Road
5. **Penniman Road** – reconstruct and pave from Alexander Lee Parkway to Fillmore Drive
6. **Carys Chapel Road** – construct intersection improvement at Victory Boulevard
7. **Water Country Parkway** – relocate/re-align to eliminate s-curve and reconstruct to improve access to economic priority area
8. **Burts Road** – reconstruct and re-align Grafton Drive/Dare Road/Route 17 intersection to accommodate connection of Grafton Drive and Burts Road
9. **Burts Road** – connect with Grafton Drive on a new corridor alignment parallel to Route 17
10. **Burts Road** – reconstruct from intersection with Grafton Drive connector south to Oriana Road
11. **Yorkville Road** – improve 90-degree curve
12. **Yorktown Road** – reconstruct from Tabb Lane to Big Bethel Road
13. **Seaford Road** – widen shoulders between Goodwin Neck Road and Seaford Elementary School
14. **Allens Mill Road** – drainage and spot safety improvements between Wolf Trap Road and Dare Road
14. **Waller Mill Rail Trail** – provide 20% local match for Enhancements Program for construction of a multi-use path parallel to Airport Road
15. **Cook Road** – provide 20% local match for CMAQ-funded project to construct bicycle lanes between the northern intersection of Surrender Road and Moore House Road

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the Secondary System Constriction Budget for FY 2002-2003 as presented by the Resident Engineer of the Virginia Department of Transportation.

BE IT STILL FURTHER RESOLVED that the Resident Engineer be, and he is hereby, commended for his assistance and support in addressing the transportation needs of the County.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to sign and execute all such documents as are necessary to evidence the Board's approval of the Construction Budget and the Six-Year Plan.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
 Nay: (0)

LICENSE REQUIREMENT FOR COLLECTION AGENCIES

Mr. Barnett made a presentation on proposed Ordinance No. 01-25 to amend the York County Code to delete a requirement that collection agencies shall be licensed by the Virginia Collection Agency Board.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 01-25 which was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE § 14-27, DELETING A REQUIREMENT THAT COLLECTION AGENCIES SHALL BE LICENSED BY THE VIRGINIA COLLECTION AGENCY BOARD

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 01-25 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE § 14-27, DELETING A REQUIREMENT THAT COLLECTION AGENCIES SHALL BE LICENSED BY THE VIRGINIA COLLECTION AGENCY BOARD

WHEREAS, York County Code § 14-27(d)(4) requires, in part, that no business license shall be issued for the operation of a collection agency unless the applicant has been licensed by the Virginia Collection Agency Board; and

WHEREAS, the Virginia Collection Agency Board is no longer in existence, and there is no state license established for collection agencies; and

WHEREAS, the Board desires to amend York County Code § 14-27(d)(4) to delete the requirement for a collection agent to be licensed by the Virginia Collection Agency Board;

NOW THEREFORE BE IT ORDAINED by the York County Board of Supervisors this the 18th day of December, 2001, that York County Code § 14-27(d)(4) is amended as follows:

Sec. 14-27. Classification of business.

* * *

(d) Repair, personal, business and other services.

- (1) The repairing, renovating, cleaning or servicing of some article or item of personal property for compensation is a repair service, unless the service is specifically provided for under another section.
- (2) Any service rendered for compensation either upon or for persons, animals or personal effects is a personal service, unless the service is specifically provided for under another section.

- (3) Any service rendered for compensation to any business, trade, occupation or governmental agency is a business service, unless the service is specifically provided for under another section of these guidelines.

- (4) Those rendering a repair, personal or business service or other service include, but are not limited to the following:

Advertising agencies
 Airports
 Ambulance services
 Amusements and recreation services (all types)
 Animal hospitals, grooming services, kennels or stables
 Auctioneers and common criers
 Barber shops, beauty parlors, and hairdressing establishments, schools and services
 Bid or building reporting service
 Billiard or pool establishments or parlors
 Blacksmiths or wheelwrights
 Bondsman**
 Booking agents or concert managers
 Bottle exchanges
 Bowling alleys
 Brokers and commission merchants other than real estate or financial brokers
 Business research and consulting services
 Cable television services
 Chartered clubs
 Child care attendants or schools
 Collection agents or agencies
 Commercial photography, art and graphics
 Commercial sports
 Dance halls, studios and schools
 Data processing, computer and systems development services
 Developing or enlarging photographs
 Drafting services
 Engraving
 Erecting, installing, removing or storing awnings
 Freight traffic bureaus
 Fumigating or disinfecting
 Funeral services and crematories
 Golf courses, driving ranges and miniature golf courses
 Hauling of sand, gravel or dirt
 Hotels, motels, tourist courts, boarding and rooming houses and trailer parks and campsites
 House cleaning services
 Impounding lots
 Information bureaus
 Instructors, tutors, schools and studios of music, ceramics, arts, sewing, sports and the like
 Interior decorating
 Janitorial services
 Landscape services and yard maintenance services

Laundry cleaning and garment services including laundries, dry cleaners, linen supply, diaper service, coin-operated laundries, and carpet and upholstery cleaning
 Mailing, messenger and correspondent services
 Marinas and boat landings
 Massage parlors
 Movie theaters and drive-in theaters
 Nickel plating, chromizing and electroplating
 Nurses and physician registries
 Nursing and personal care facilities including nursing homes, convalescent homes, homes for the retarded, old age homes and rest homes.
 Packing, crating, shipping, hauling or moving goods or chattels for others
 Parcel delivery service
 Parking lots, public garages and valet parking
 Pawnbrokers
 Personnel services, labor agents and employment bureaus
 Photographers and photographic services
 Piano tuning
 Picture framing and gilding
 Porter services
 Press clipping services
 Public hospitals
 Promotional agents or agencies
 Public relations services
 Realty multiple listing services
 Renting or leasing any items of tangible personal property
 Reproduction services
 Secretarial services
 Seamstress services
 Septic tank cleaning
 Shoe repair, shoe shine and hat repair shops
 Sign painting
 Solid waste collection services
 Storage, all types
 Swimming pool maintenance and management
 Tabulation services
 Tailor services
 Taxidermist
 Telephone answering services
 Theaters
 Theatrical performers, bands and orchestras
 Towing services
 Transportation services including buses and taxis
 Travel bureaus
 Tree surgeons, trimmers and removal services
 Turkish, Roman or other like baths or parlors
 Wake-up services
 Washing, cleaning or polishing automobiles

- (5) Any person buying or selling any kinds of goods, wares or merchandise for another on commission is a commission merchant and is engaged in a business service.

- (6) Photographers who have no place of business in Virginia may be subject to local license taxation as imposed by section 14-28 of this chapter.
- (7) Sign painting is a service unless the sign is painted on the side of a building or any other structure assessed as realty in which case the sign painting is contracting.
- (8) An amusement is a type of entertainment or show for which compensation is received and that is not specifically provided for under another section.
- (9) As used in this subsection, the term "renting or leasing any items of tangible personal property" shall not include persons engaged in the short-term rental business, as defined in section 21-120.

**No license shall be issued to any bondsman unless and until the applicant shall have first obtained a certificate from the judge of the circuit court of the county, as provided in Article IV, Chapter 9 of Title 19.2, Code of Virginia. If a professional bondsman has a license granted by any other county or city, he shall be authorized to enter into bonds within the County of York. No certificate shall be required for any bondsman having a current certificate and license which certificate remains in full force and effect.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
 Nay: (0)

REQUEST FOR FUNDING FOR THE YORKTOWN PIER

Mr. McReynolds made a presentation on proposed Resolution R01-229 to request the Commonwealth Transportation Board to approve funding through the Virginia Transportation Enhancement Program for construction of the proposed Yorktown Pier.

Mr. Shepperd asked where the 51 percent of the money was coming from.

Mr. McReynolds stated that the program delegated money from the federal government to the state, and the state administered the allocation of those funds.

Mr. Shepperd stated the project was going to cost \$2.8 million, and the County was asking for \$800,000. He noted the previous indications were that the County would not get what it requested, and he questioned where the balance of the projected \$2.8 million would come from.

Mr. McReynolds explained the money would come primarily from borrowing, as well as from support through the lodging tax.

Chairman Burgett called to order a public hearing on proposed Resolution R01-229 which was duly advertised as required by law and is entitled:

A RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO APPROVE FUNDING THROUGH THE VIRGINIA

TRANSPORTATION ENHANCEMENT PROGRAM FOR CONSTRUCTION OF THE PROPOSED YORKTOWN PIER

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mr. Zaremba stated he felt it was time to update the Board and the citizens on the progress on the Yorktown Master Plan implementation.

Mr. Shepperd then moved the adoption of proposed Resolution R01-229 that reads:

A RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO APPROVE FUNDING THROUGH THE VIRGINIA TRANSPORTATION ENHANCEMENT PROGRAM FOR CONSTRUCTION OF THE PROPOSED YORKTOWN PIER

WHEREAS, the Yorktown Master Plan, adopted on March 4, 1993, subsequent to public hearing, proposes various improvements along the Yorktown waterfront including construction of a new pier, adaptation of the former warehouse/ferry building to public use, establishment of an open-air public plaza, and construction of a riverwalk along the York River; and

WHEREAS, these proposals were reaffirmed and refined during a community planning workshop conducted in July 1998 and are widely supported as important and integral elements of the Yorktown improvement effort that has been underway since 1988; and

WHEREAS, the waterfront and riverwalk concepts can be greatly enhanced by construction of the new pier; and

WHEREAS, the York County Board of Supervisors desires to make application under the Virginia Transportation Enhancement Program for funding to assist in the completion of this project; and

WHEREAS, the Board is appreciative of the partial funding approved in 1994, 1999, and 2000 for the Yorktown Waterfront projects and wishes to have consideration given to an additional funding allocation of \$800,000 for the proposed pier project; and

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request, by resolution, be received from the Board of Supervisors in order for the Virginia Department of Transportation to provide funding for a Transportation Enhancement Program project in York County; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this request;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that it hereby requests the Commonwealth Transportation Board to approve supplementary funding in the amount of \$800,000 for the Transportation Enhancement Program project for the Yorktown Pier.

BE IT FURTHER RESOLVED that the York County Board of Supervisors hereby agrees to pay at least 20 percent of the total cost for planning, design, right-of-way, and construction of this project; and that, if York County subsequently elects to cancel the project, the Board

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hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

CLOSED MEETING. At 8:38 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-3711(a)(3) pertaining to the acquisition of real property for a public purpose; and Section 2.1-3711(a)(5) pertaining to a prospective business or industry or expansion of an existing business or industry.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Meeting Reconvened. At 9:03 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

APPOINTMENT TO THE SENIOR CENTER OF YORK BOARD

Mrs. Noll moved the adoption of proposed Resolution R01-232 which reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE SENIOR
CENTER OF YORK BOARD

WHEREAS, the recent death of Mrs. Margie Harris creates a vacancy on the Senior Center of York Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that JoAnne H. Foudriat be, and is hereby, appointed to the Senior Center of York Board to fill the unexpired term of Mrs. Margie Harris, such term to begin immediately and expire June 30, 2005.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

APPOINTMENT TO THE TRANSPORTATION SAFETY COMMISSION

Mrs. Noll moved the adoption of proposed Resolution R01-224 which reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK
COUNTY TRANSPORTATION SAFETY COMMISSION

WHEREAS, Frank Grim and Adrian Rymer will complete their respective terms on the York County Transportation Safety Commission on December 31, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that the following individuals be, and they are hereby, appointed to serve on the York County Transportation Safety Commission for terms to begin on January 1, 2002 and expire on December 31, 2004:

Adrian H. Rymer

Ralph A. Smith

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

APPOINTMENT TO THE REGIONAL ISSUES COMMITTEE

Mr. Wiggins moved the adoption of proposed Resolution R01-231 which reads:

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A RESOLUTION TO APPOINT A MEMBER TO THE REGIONAL ISSUES COMMITTEE

WHEREAS, Dennis Gardner has served as a citizen member to the Regional Issues Committee since 1998; and

WHEREAS, Mr. Gardner's current two-year term will expire December 31, 2001; and

WHEREAS, the Board wishes to appoint a citizen to fill the vacancy on the Regional Issues Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2001, that the following individual is hereby appointed to serve for two years on the Regional Issues Committee, such term to expire December 31, 2003.

Paul D. Brindza

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Meeting Adjourned At 9:08 p.m. Chairman Burgett declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors

NOTE: In accordance with Section 15.2-1241 of the Code of Virginia, the minutes of this meeting were read at the February 5, 2002, Regular Meeting of the Board of Supervisors, and Chairman Wiggins was directed to sign such.